



**The City of New York
BUSINESS INTEGRITY COMMISSION**
100 Church Street · 20th Floor
New York · New York 10007

Daniel D. Brownell
Commissioner and Chair

**OPENING STATEMENT OF NOAH D. GENEL,
DEPUTY COMMISSIONER OF LEGAL AFFAIRS AND GENERAL COUNSEL
THE NEW YORK CITY BUSINESS INTEGRITY COMMISSION**

Monday, August 8, 2016 at 10:00 a.m.

100 Church Street, 2nd Floor, Conference Room No. 2-160B, New York, NY 10007

Good morning and welcome to today's public hearing. My name is Noah D. Genel. I am the Deputy Commissioner of Legal Affairs and General Counsel of the New York City Business Integrity Commission, otherwise known as BIC or the Commission. Thank you for attending today's hearing.

BIC is conducting this hearing pursuant to the requirements set forth by the City Administrative Procedure Act, commonly referred to as "CAPA." The purpose of this hearing is to receive comments from the public on BIC's proposed rule regarding the Commission delegating to its chair the authority to initiate the rulemaking process under CAPA. BIC published the proposed rule in the *City Record* on July 7, 2016. We also disseminated a copy of the rule via e-mail to all New York City local elected officials, all 59 community board managers, several media organizations in the City and other interested parties. Lastly, we made available a copy of the proposed rule both on BIC's and the NYC Rules websites.

As background information to this hearing, Local Law 42 of 1996 created the New York City Trade Waste Commission, which later became BIC. The Commission is comprised of the Commissioner of the Business Integrity Commission, who serves as the chair of the

Commission, and the Commissioners of the New York City Police Department, the Department of Sanitation, the Department of Investigation, the Department of Small Business Services, and the Department of Consumer Affairs. Under Title 16-A, Chapter 1, Section 16-502 of the New York City Administrative Code, the chair of the Commission has “charge of the organization of the commission and [has] authority to employ, assign, and superintend the duties of such officers and employees as may be necessary to carry out the [Commission’s regulatory duties].”

Under the proposed rule, the members of the Commission will delegate to the chair of the Commission the authority to initiate the rulemaking process under the City Administrative Procedure Act. As such, the chair would have the ability to draft, or direct his staff to draft, any proposed rules he deems necessary to carry out the powers and duties of the Commission and to hold public hearings on those proposed rules. The Commission must still approve, by majority vote, any new rule before it is made final. This proposed rule is necessary for the Business Integrity Commission to continue to efficiently perform its regulatory duties.

That concludes the summary of the proposed rule change at issue at this hearing. You may present an oral statement for the record or submit written comments concerning the proposed rule change. Additionally, BIC has been accepting written comments on the proposed rule since the publication in the *City Record* and will continue to do so through the close of business today, August 8, 2016.

BIC will make available a copy of any written comments that are received in connection with today’s hearing on its website next week. BIC will carefully review and consider all comments and submissions and make changes, if BIC deems them necessary. The proposed rule will go into effect 30 days after the final rule is published in the *City Record*.

I will begin calling those of you who wish to speak this morning in the order in which you have signed in. When you speak, please state your full name and affiliation, and speak slowly and clearly so that the court reporter can understand and accurately transcribe your statement. We ask that you limit your statement to five minutes.